

**U.S. District Court [LIVE]
Western District of Texas (San Antonio)
CRIMINAL DOCKET FOR CASE #: 5:21-mj-00092-RBF All Defendants**

Case title: USA v. Uptmore

Date Filed: 01/27/2021

Assigned to: Judge Richard B.
Farrer

Defendant (1)

Chance Anthony Uptmore

represented by **Duty Pub. Defender–San Antonio**
Federal Public Defender
San Antonio Division
727 E. Cesar E. Chavez Blvd.
Suite B207
San Antonio, TX 78206
(210) 472–6700
Fax: 210/472–4454
Email: janie_craig@fd.org
TERMINATED: 01/28/2021
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Amanda I. Hernandez
Flanary Law Firm PLLC
214 E. Ashby Pl.
San Antonio, TX 78212
210–738–8383
Fax: 210–728–3438
Email: amanda@flanarylawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

David Joseph Kimmelman – FPD
Federal Public Defender
727 E. Cesar E. Chavez
Suite B–207
San Antonio, TX 78206
(210) 472–6700
Email: david_kimmelman@fd.org
TERMINATED: 02/02/2021
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

**Highest Offense Level
(Opening)**

None

Disposition

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Disposition

Complaints

18:1752.P– Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Activity 40:5104– Violent Entry and Disorderly Conduct on Capitol Grounds

Assigned to: Judge Richard B. Farrer

Defendant (2)

James Herman Uptmore

represented by **Duty Pub. Defender–San Antonio**

(See above for address)

TERMINATED: 01/28/2021

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or Community Defender Appointment

David Joseph Kimmelman – FPD

(See above for address)

TERMINATED: 02/02/2021

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or Community Defender Appointment

Kimbel Lee Brown

Attorney at Law

123 N. Seguin Ave.

Suite 218
 New Braunfels, TX 78130-5123
 (830) 625-3455
 Fax: (830) 625-5777
 Email: klblawfirm@sbcglobal.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition**Highest Offense Level
(Opening)**

None

Disposition**Terminated Counts**

None

**Highest Offense Level
(Terminated)**

None

Disposition**Complaints**

18:1752.P– Knowingly Entering
 or Remaining in any Restricted
 Building or Grounds Without
 Lawful Activity 40:5104– Violent
 Entry and Disorderly Conduct on
 Capitol Grounds

Plaintiff

USA

represented by **Matthew W. Kinskey**
 U.S. Attorney's Office
 601 N.W. Loop 410, Suite 600
 San Antonio, TX 78216
 210-384-7330
 Email: matthew.kinskey@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Page	Docket Text
01/27/2021	1	6	

			Arrest (Rule 5/Rule 32.1) of Chance Anthony Uptmore, James Herman Uptmore (cd) (Entered: 01/28/2021)
01/27/2021	<u>2</u>		Minute Entry for proceedings held before Judge Richard B. Farrer:Initial Appearance in Rule 5(c)(3)/ Rule 32.1 Proceedings as to Chance Anthony Uptmore held on 1/27/2021 (Minute entry documents are not available electronically.) (Court Reporter FTR Gold.) (cd) (Entered: 01/28/2021)
01/27/2021	<u>3</u>	7	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Chance Anthony Uptmore. Signed by Judge Richard B. Farrer. (cd) (Entered: 01/28/2021)
01/27/2021	<u>4</u>	8	ORDER as to Chance Anthony Uptmore, (Identity Hearing / Preliminary Hearing set for 2/3/2021 10:30 AM before Judge Richard B. Farrer,). Signed by Judge Richard B. Farrer. (cd) (Entered: 01/28/2021)
01/27/2021	<u>5</u>		Minute Entry for proceedings held before Judge Richard B. Farrer:Initial Appearance in Rule 5(c)(3)/ Rule 32.1 Proceedings as to James Herman Uptmore held on 1/27/2021 (Minute entry documents are not available electronically.) (Court Reporter FTR Gold.) (cd) (Entered: 01/28/2021)
01/27/2021	<u>6</u>	10	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to James Herman Uptmore. Signed by Judge Richard B. Farrer. (cd) (Entered: 01/28/2021)
01/27/2021	<u>7</u>	11	ORDER as to James Herman Uptmore, (Identity / Preliminary Hearing set for 2/3/2021 10:30 AM before Judge Richard B. Farrer,). Signed by Judge Richard B. Farrer. (cd) (Entered: 01/28/2021)
01/27/2021	<u>8</u>	13	ORDER Setting Conditions of Release as to Chance Anthony Uptmore (1) \$25,000 Unsecured.. Signed by Judge Richard B. Farrer. (cd) (Entered: 01/28/2021)
01/27/2021	<u>9</u>	18	Unsecured Bond Filed as to Chance Anthony Uptmore in amount of \$ 25,000. (cd) (Entered: 01/28/2021)
01/27/2021	<u>10</u>	21	ORDER Setting Conditions of Release as to James Herman Uptmore (2) \$15,000 Unsecured.. Signed by Judge Richard B. Farrer. (cd) (Entered: 01/28/2021)
01/27/2021	<u>11</u>	25	Unsecured Bond Filed as to James Herman Uptmore in amount of \$ 15,000. (cd) (Entered: 01/28/2021)
01/28/2021	<u>12</u>	28	NOTICE OF ATTORNEY APPEARANCE: David Joseph Kimmelman – FPD appearing for Chance Anthony Uptmore . Attorney David Joseph Kimmelman – FPD added to party Chance Anthony Uptmore(pty:dft) (Kimmelman – FPD, David) (Entered: 01/28/2021)
01/28/2021	<u>13</u>	29	NOTICE OF ATTORNEY APPEARANCE: David Joseph Kimmelman – FPD appearing for James Herman Uptmore . Attorney David Joseph Kimmelman – FPD added to party James Herman Uptmore(pty:dft) (Kimmelman – FPD, David) (Entered: 01/28/2021)
02/01/2021	<u>14</u>	30	MOTION to Withdraw as Attorney by Chance Anthony Uptmore. (Kimmelman – FPD, David) (Entered: 02/01/2021)
02/01/2021	<u>15</u>	34	MOTION to Withdraw as Attorney by James Herman Uptmore. (Kimmelman – FPD, David) (Entered: 02/01/2021)

02/02/2021	<u>16</u>	38	ORDER GRANTING <u>14</u> Motion to Withdraw as Attorney as to Chance Anthony Uptmore (1). Signed by Judge Richard B. Farrer. (cd) (Entered: 02/03/2021)
02/02/2021		39	Attorney David Joseph Kimmelman – FPD terminated as to Chance Anthony Uptmore. (cd) (Entered: 02/03/2021)
02/02/2021	<u>17</u>	40	ORDER GRANTING <u>15</u> Motion to Withdraw as Attorney as to James Herman Uptmore (2). Signed by Judge Richard B. Farrer. (cd) (Entered: 02/03/2021)
02/02/2021		41	Attorney David Joseph Kimmelman – FPD terminated as to James Herman Uptmore. (cd) (Entered: 02/03/2021)
02/02/2021	<u>18</u>	42	ORDER APPOINTING COUNSEL as to Chance Anthony Uptmore Amanda I. Hernandez for Chance Anthony Uptmore appointed.. Signed by Judge Richard B. Farrer. (cd) (Main Document 18 replaced on 2/3/2021) (cd). (Entered: 02/03/2021)
02/02/2021	<u>19</u>	43	ORDER APPOINTING COUNSEL as to James Herman Uptmore Kimbel Lee Brown for James Herman Uptmore appointed.. Signed by Judge Richard B. Farrer. (cd) (Entered: 02/03/2021)
02/02/2021	<u>20</u>	44	ORDER Resetting Identity/Preliminary Hearing as to Chance Anthony Uptmore, James Herman Uptmore, (Identity Hearing/ Preliminary Hearing set for 2/5/2021 11:30 AM before Judge Richard B. Farrer,). Signed by Judge Richard B. Farrer. (cd) (Entered: 02/03/2021)
02/04/2021	<u>21</u>	45	MOTION to Continue by James Herman Uptmore. (Brown, Kimbel) (Entered: 02/04/2021)
02/04/2021	<u>22</u>	48	Waiver of Identity Hearing by Chance Anthony Uptmore (Hernandez, Amanda) (Entered: 02/04/2021)
02/04/2021	<u>23</u>	49	ORDER GRANTING IN PART <u>21</u> Motion to Continue as to James Herman Uptmore (2). Signed by Judge Richard B. Farrer. (aej) (Entered: 02/04/2021)
02/04/2021	<u>24</u>	50	Waiver of Identity Hearing by James Herman Uptmore (Brown, Kimbel) (Entered: 02/04/2021)
02/04/2021	<u>25</u>	51	ORDER RESETTING IDENTITY/PRELIMINARY HEARING as to James Herman Uptmore, (Identity/Preliminary Hearing set for 2/12/2021 10:00 AM before Judge Richard B. Farrer,). Signed by Judge Richard B. Farrer. (cd) (Entered: 02/05/2021)
02/10/2021	<u>26</u>	52	ORDER CANCELLING Hearing as to James Herman Uptmore in light of waiver. Signed by Judge Elizabeth S. Chestney. (vs1) (Entered: 02/10/2021)

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
CHANCE ANTHONY UPTMORE
(DOB: 01/06/1997) and JAMES
HERMAN UPTMORE, also known
as "Sonny" (DOB: 10/05/1957)

5:21MJ92
)
)
)
)
)
)
)
)
)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____
in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

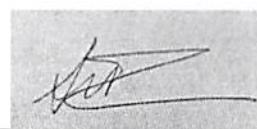
18 U.S.C. 1752 (a)(1)&(2) - Knowingly Entering or Remaining in any Restricted Building or
Grounds Without Lawful Authority

40 U.S.C. 5104(e)(2)(D)&(G) - Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Complainant's signature

Scott P. Keller II, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 01/22/2021



Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

FILED

JAN 27 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *Cox*

DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

§

§

No.: SA:21-M -00092(1)

vs.

§

§

(1) CHANCE ANTHONY UPTMORE

Defendant,

§

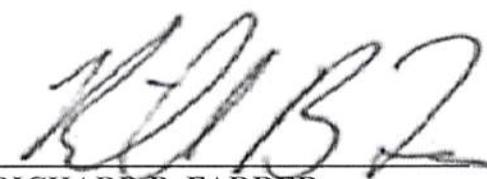
§

ORDER APPOINTING COUNSEL

The above-named Defendant having satisfied this Court after appropriate inquiry that Defendant (1) does not wish to waive representation by counsel, and (2) is financially unable to obtain counsel, the Federal Public Defender is hereby **APPOINTED** to represent the defendant in the above-styled and numbered cause.

Should this case proceed before a United States District Judge, the appointment shall nevertheless remain in effect until terminated or a substitute attorney is appointed or retained.

SIGNED on January 27, 2021.


RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

FILED

AO 470 (12/03) Order of Temporary Detention

JAN 27 2021

CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY _____
 DEPUTY CLERK
[Signature]

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

§ ORDER

vs.

§

(1) CHANCE ANTHONY UPTMORE
Defendant

§ Case Number: SA:21-M-00092(1)

Upon Motion of the GOVERNMENT, it is ORDERED that a
IDENTITY/PRELIMINARY HEARING

is set for February 3, 2021 * at 10:30am
Date *Time*
 before U.S. MAGISTRATE JUDGE RICHARD B. FARRER
 in the Courtroom A, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655
East Cesar E. Chavez Boulevard, San Antonio, TX
Location of Judicial Officer

Pending this hearing, the defendant shall be held in custody by (the United States Marshal)
 (_____)

and produced for the hearing. The Court specifically finds that exceptional circumstances presented by the current health-care crisis involving the ongoing COVID-19 pandemic require a 5-day continuance of the detention hearing.

January 27, 2021*Date*

 RICHARD B. FARRER
 UNITED STATES MAGISTRATE JUDGE

* If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or attempt to threaten, injure, or intimidate a prospective witness or juror.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

(1) CHANCE ANTHONY UPTMORE

Defendant

§

§

§ No.: SA:21-M-00092(1)

§

§ REF: 1:21MJ156

§

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Excluding Probation Cases)**

I, (1) CHANCE ANTHONY UPTMORE understand that in the charges are pending
Washington, D.C.
alleging violation of _____

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

Identity Hearing.

Preliminary Hearing.

Detention Hearing

Identity Hearing and I have been informed I have no right to a preliminary examination.

Identity Hearing but request a preliminary and/or detention hearing be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

**(1) CHANCE ANTHONY UPTMORE,
*Defendant***

Date

Counsel for Defendant

FILED

JAN 27 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*

DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

§

§

§

No.: SA:21-M -00092(2)

vs.

§

§

(2) JAMES HERMAN UPTMORE

Defendant,

§

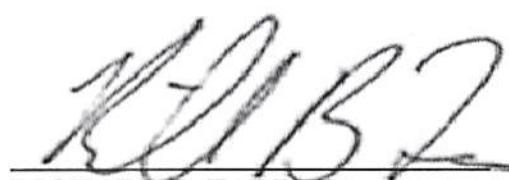
§

ORDER APPOINTING COUNSEL

The above-named Defendant having satisfied this Court after appropriate inquiry that Defendant (1) does not wish to waive representation by counsel, and (2) is financially unable to obtain counsel, the Federal Public Defender is hereby **APPOINTED** to represent the defendant in the above-styled and numbered cause.

Should this case proceed before a United States District Judge, the appointment shall nevertheless remain in effect until terminated or a substitute attorney is appointed or retained.

SIGNED on January 27, 2021.


RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

FILED

AO 470 (12/03) Order of Temporary Detention

JAN 27 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
CJ
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA
vs.
(2) JAMES HERMAN UPTMORE
Defendant

Upon Motion of the GOVERNMENT, it is ORDERED that a
IDENTITY/PRELIMINARY HEARING

is set for February 3, 2021 * at 10:30am
Date *Time*
before U.S. MAGISTRATE JUDGE RICHARD B. FARRER
in the Courtroom A, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655
East Cesar E. Chavez Boulevard, San Antonio, TX

Pending this hearing, the defendant shall be held in custody by (the United States Marshal) ()

and produced for the hearing. The Court specifically finds that exceptional circumstances presented by the current health-care crisis involving the ongoing COVID-19 pandemic require a 5-day continuance of the detention hearing.

January 27, 2021

Date

RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

* If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or attempt to threaten, injure, or intimidate a prospective witness or juror.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

(2) JAMES HERMAN UPTMORE

Defendant

§

§

No.: SA:21-M-00092(2)

§

REF: 1:21MJ156

§

§

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Excluding Probation Cases)**

I, (2) JAMES HERMAN UPTMORE understand that in the charges are pending
Washington, D.C.
alleging violation of _____

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

Identity Hearing.

Preliminary Hearing.

Detention Hearing

Identity Hearing and I have been informed I have no right to a preliminary examination.

Identity Hearing but request a preliminary and/or detention hearing be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

(2) JAMES HERMAN UPTMORE, Defendant

Date

Counsel for Defendant

FILED

Page 1 of 3 Pages

WD-TX/AD 199A (Rev. 5/2001) Order Setting Conditions of Release

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JAN 27 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*

UNITED STATES OF AMERICA

vs.

(1) CHANCE ANTHONY UPTMORE
Defendant

§ **ORDER SETTING CONDITIONS OF RELEASE**
 § **OF DEFENDANT OR MATERIAL WITNESS**
 §
 § Case Number: SA:21-M-00092(1)
 §

IT IS ORDERED that the release of the defendant/material witness is subject to the following conditions:

- (1) The defendant/material witness shall not commit any offense in violation of federal, state or local law while on release in this case. The defendant/material witness shall report as soon as possible, to Pretrial Services or supervising officer, any contact with any law enforcement personnel including, but not limited to, any arrest, questioning, or traffic stop.
- (2) The defendant/material witness shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.
- (3) The defendant/material witness shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant/material witness shall appear at (if blank, to be notified) U.S. Courthouse, Courtroom A, 655 East Cesar E. Chavez Boulevard, SAN ANTONIO, Texas

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant/material witness be released provided that:

- (4) The defendant/material witness promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (5) The defendant/material witness executes an unsecured bond binding the defendant/material witness to pay the United States the sum of Twenty-five Thousand dollars (\$ 25,000) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant/material witness and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant/material witness is subject to the conditions marked below:

- (6) The defendant/material witness is placed in the custody of:

(Name of person or organization) _____
 (Address) _____
 (City and state) _____ (Phone) _____

who agree (a) to supervise the defendant/material witness in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant/material witness at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant/material witness violates any conditions of release or disappears.

Signed: _____ *Custodian or Proxy* _____ *Date*

Signed: _____ *Custodian or Proxy* _____ *Date*

DISTRIBUTION: COURT DEFENDANT/MATERIAL WITNESS U.S. MARSHAL

Additional Conditions of Release (cont.)

- (X) (7) The defendant/material witness shall:
- (X) (a) report to Pretrial Services as directed.
- () (b) report to the _____ telephone number _____, no later than _____
- (X) (c) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: 25,000 Unsecured
- () (d) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described: _____
- () (e) execute a bail bond with solvent sureties in the amount of \$ _____
- () (f) maintain or actively seek verifiable employment.
- () (g) maintain or commence an education program.
- () (h) surrender any passport to Pretrial Services as directed, or: _____
- () (i) obtain no passport.
- (X) (j) abide by the following restrictions on personal association, place of abode, or travel: Reside at an address pre-approved by Pre-Trial Services for any travel outside the Western District of Texas. Travel authorized within the Continental United States with pre-approval from Pretrial Services; No travel to Washington, D.C. unless for court related matters or attorney visits
- (X) (k) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: the defendant may have contact with James Uptmore but they may not discuss the case with one another.
- () (l) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____
- () (m) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____
- () (n) reside at a Community Corrections facility as designated by Pretrial Services; abide by all conditions and requirements of the facility until terminated by the facility director or Pretrial Services; and remain in custody until space becomes available, and the Appearance Bond is signed; or, if a material witness, reside with a third-party custodian as approved by Pretrial Services, in lieu of residing at a Community Corrections facility.
- (X) (o) refrain from possessing a firearm, destructive device, or other dangerous weapon. Weapons to be removed from the residence within 24 hours of release and verification to be provided.
- (X) (p) refrain from (X) any () excessive use of alcohol.
- (X) (q) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. §802, unless prescribed by a licensed medical practitioner.
- (X) (r) submit to substance abuse treatment which will include evaluation and testing, as well as education, in-patient or out-patient treatment, and/or participation in support groups (such as AA/NA).
- () (s) at the discretion of the Pretrial Services, submit to substance abuse treatment which may include evaluation, testing, education, in-patient or out-patient treatment, and/or participation in support groups (such as AA/NA).
- (X) (t) the defendant shall submit to any method of testing required by the Pretrial Services Office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- () (u) have installed on your vehicle an ignition interlock system as directed by Pretrial Services; drive no other vehicle while on pretrial release; abide by all conditions and requirements of the ignition interlock system program; and not disconnect the ignition interlock system without prior permission from Pretrial Services.
- () (v) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. ()At the discretion of Pretrial Services (PTS); ()Global Positioning System (GPS); () Radio Frequency Monitoring (RF); ()Voice Recognition (VR);
Location verification systems require that you maintain a telephone (land line) at your residence without any special features such as "call waiting, call forwarding or caller ID". Cordless telephones are not permitted, unless approved by the Pretrial Services Officer.
- () (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by Pretrial Services or supervising officer.
- () (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by Pretrial Services or supervising officer.
- () (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by Pretrial Services or supervising officer.
- () (w) Stand Alone Monitoring (SAM): Requires the use of Global Positioning System (GPS) tracking to monitor and enforce any other condition(s) of release (e.g., travel restrictions) Note: Not recommended for high risk defendants. _____

- () (x) The following person(s) sign as surety on the Appearance Bond:
(X) (y) Defendant shall report virtually to the D.C District Court as instructed by Pretrial Services.
-

- (8) IT IS FURTHER ORDERED that the defendant/material witness shall be responsible for any costs of participation in court-ordered programs based on his/her ability to pay as determined by Pretrial Services, and make timely payment if required by any "Order Directing Payment of Attorney's Fees."
- (9) IT IS FURTHER ORDERED that if the Court has ordered herein any testing, such as substance testing, or monitoring, such as electronic monitoring, the defendant/material witness shall refrain from obstructing or attempting to obstruct or tamper in any fashion with the efficiency and accuracy of such testing and devices.

Advice of Penalties and Sanctions

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

DEFENDANTS:

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

MATERIAL WITNESSES:

If after release, you knowingly fail to appear as required by the conditions of release, you may be prosecuted for failing to appear and may be fined not more than \$100,000 and imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

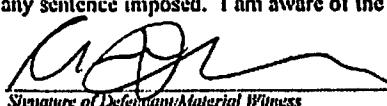
. Acknowledgement of Defendant/Material Witness

I acknowledge that I am the defendant/material witness in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

AGREED, IF APPLICABLE

Assistant U.S. Attorney

Attorney for Defendant/Material Witness



Signature of Defendant/Material Witness

Address

City and State

Telephone

Social Security Number

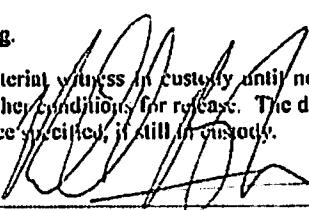
Date of Birth

Directions to United States Marshal

- The defendant/material witness is ORDERED released after processing.
- The United States Marshal is ORDERED to keep the defendant/material witness in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant/material witness shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

1/27/2021

Date


RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

- (8) IT IS FURTHER ORDERED that the defendant/material witness shall be responsible for any costs of participation in court-ordered programs based on his/her ability to pay as determined by Pretrial Services, and make timely payment if required by any "Order Directing Payment of Attorney's Fees."
- (9) IT IS FURTHER ORDERED that if the Court has ordered herein any testing, such as substance testing, or monitoring, such as electronic monitoring, the defendant/material witness shall refrain from obstructing or attempting to obstruct or tamper in any fashion with the efficiency and accuracy of such testing and devices.

Advice of Penalties and Sanctions

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

DEFENDANTS:

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

MATERIAL WITNESSES:

If after release, you knowingly fail to appear as required by the conditions of release, you may be prosecuted for failing to appear and may be fined not more than \$100,000 and imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgement of Defendant/Material Witness

I acknowledge that I am the defendant/material witness in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

AGREED, IF APPLICABLE

Assistant U.S. Attorney _____

Attorney for Defendant Material Witness _____

Signature of Defendant/Material Witness _____

Address _____

City and State _____

Telephone _____

Social Security Number _____

Date of Birth _____

Directions to United States Marshal

- The defendant/material witness is ORDERED released after processing.
- The United States Marshal is ORDERED to keep the defendant/material witness in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant/material witness shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

1/27/2021 _____

Date _____

RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

vs.

(1) CHANCE ANTHONY UPTMORE

Defendant

§
§
§
§

Case Number: SA:21-M-00092(1)

APPEARANCE BOND

Defendant's Agreement

I, (1) CHANCE ANTHONY UPTMORE (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- to appear for court proceedings;
- if convicted, to surrender to serve a sentence that the court may impose; or;
- to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- (1) This is a personal recognizance bond.
- (2) This is an unsecured bond of \$ 25,000.
- (3) This is a secured bond of \$ _____, secured by:
 - (a) \$ _____, in case deposited with the court.
 - (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it - such as a lien, mortgage, or loan - and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- (c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

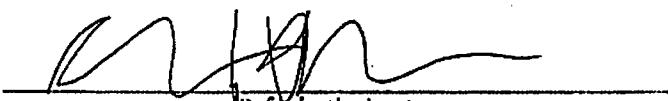
Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 01/27/2021


Defendant's signature

Surety/property owner – printed nameSurety/property owner – signature and dateSurety/property owner – printed nameSurety/property owner – signature and dateSurety/property owner – printed nameSurety/property owner – signature and date

CLERK OF COURT

Date: 01/27/2021Signature of Clerk or Deputy Clerk

Approved.

Date: 01/27/2021Judge's signature

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 01/27/2021

Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

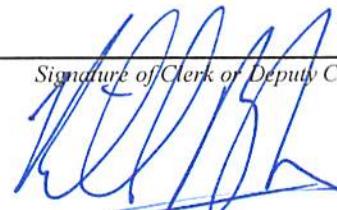
Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: 01/27/2021

Signature of Clerk or Deputy Clerk



Approved,

Date: 01/27/2021

Judge's signature

FILED
1 of 3 Pages

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

vs.

(2) JAMES HERMAN UPTMORE

Defendant

JAN 27 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*

ORDER SETTING CONDITIONS OF RELEASE
OF DEFENDANT OR MATERIAL WITNESS

§ Case Number: SA:21-M-00092(2)

§

IT IS ORDERED that the release of the defendant/material witness is subject to the following conditions:

- (1) The defendant/material witness shall not commit any offense in violation of federal, state or local law while on release in this case. The defendant/material witness shall report as soon as possible, to Pretrial Services or supervising officer, any contact with any law enforcement personnel including, but not limited to, any arrest, questioning, or traffic stop.
- (2) The defendant/material witness shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.
- (3) The defendant/material witness shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant/material witness shall appear at (if blank, to be notified) U.S. Courthouse, Courtroom A, 655 East Cesar E. Chavez Boulevard, SAN ANTONIO, Texas

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant/material witness be released provided that:

- () (4) The defendant/material witness promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (X) (5) The defendant/material witness executes an unsecured bond binding the defendant/material witness to pay the United States the sum of Fifteen Thousand dollars (\$ 15,000) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant/material witness and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant/material witness is subject to the conditions marked below:

- () (6) The defendant/material witness is placed in the custody of:

(Name of person or organization) _____
 (Address) _____
 (City and state) _____ (Phone) _____

who agree (a) to supervise the defendant/material witness in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant/material witness at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant/material witness violates any conditions of release or disappears.

Signed: _____ *Custodian or Proxy* _____ Date _____

Signed: _____ *Custodian or Proxy* _____ Date _____

DISTRIBUTION: COURT DEFENDANT/MATERIAL WITNESS U.S. MARSHAL

Additional Conditions of Release (cont.)

- (X) (7) The defendant/material witness shall:
- (X) (a) report to Pretrial Services as directed.
 - () (b) report to the telephone number _____, no later than _____
 - (X) (c) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: 15,000 Unsecured
 - () (d) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described:
 - () (e) execute a bail bond with solvent sureties in the amount of \$ _____
 - () (f) maintain or actively seek verifiable employment.
 - () (g) maintain or commence an education program.
 - () (h) surrender any passport to Pretrial Services as directed, or: _____
 - () (i) obtain no passport.
 - (X) (j) abide by the following restrictions on personal association, place of abode, or travel: Reside at an address pre-approved by Pre-Trial Services for any travel outside the Western District of Texas. Travel authorized within the Continental United States with pre-approval from Pretrial Services; No travel to Washington, D.C. unless for court related matters.
 - (X) (k) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: Chance Uptmore, however, contact with Chance is permitted but they may not discuss this case.
 - () (l) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____
 - () (m) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____
 - () (n) reside at a Community Corrections facility as designated by Pretrial Services; abide by all conditions and requirements of the facility until terminated by the facility director or Pretrial Services; and remain in custody until space becomes available, and the Appearance Bond is signed; or, if a material witness, reside with a third-party custodian as approved by Pretrial Services, in lieu of residing at a Community Corrections facility.
 - (X) (o) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (p) refrain from () any () excessive use of alcohol.
 - () (q) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. §802, unless prescribed by a licensed medical practitioner.
 - () (r) submit to substance abuse treatment which will include evaluation and testing, as well as education, in-patient or out-patient treatment, and/or participation in support groups (such as AA/NA).
 - () (s) at the discretion of the Pretrial Services, submit to substance abuse treatment which may include evaluation, testing, education, in-patient or out-patient treatment, and/or participation in support groups (such as AA/NA).
 - () (t) the defendant shall submit to any method of testing required by the Pretrial Services Office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
 - () (u) have installed on your vehicle an ignition interlock system as directed by Pretrial Services; drive no other vehicle while on pretrial release; abide by all conditions and requirements of the ignition interlock system program; and not disconnect the ignition interlock system without prior permission from Pretrial Services.
 - () (v) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. () At the discretion of Pretrial Services (PTS); () Global Positioning System (GPS); () Radio Frequency Monitoring (RF); () Voice Recognition (VR);
Location verification systems require that you maintain a telephone (land line) at your residence without any special features such as "call waiting, call forwarding or caller ID". Cordless telephones are not permitted, unless approved by the Pretrial Services Officer.
 - () (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by Pretrial Services or supervising officer.
 - () (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by Pretrial Services or supervising officer.
 - () (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by Pretrial Services or supervising officer.
 - () (w) Stand Alone Monitoring (SAM): Requires the use of Global Positioning System (GPS) tracking to monitor and enforce any other condition(s) of release (e.g., travel restrictions) Note: Not recommended for high risk defendants. _____
 - () (x) The following person(s) sign as surety on the Appearance Bond: _____
 - (X) (y) Report virtually to the D.C. District Court as instructed by Pretrial Services. _____

- (8) IT IS FURTHER ORDERED that the defendant/material witness shall be responsible for any costs of participation in court-ordered programs based on his/her ability to pay as determined by Pretrial Services, and make timely payment if required by any "Order Directing Payment of Attorney's Fees."
- (9) IT IS FURTHER ORDERED that if the Court has ordered herein any testing, such as substance testing, or monitoring, such as electronic monitoring, the defendant/material witness shall refrain from obstructing or attempting to obstruct or tamper in any fashion with the efficiency and accuracy of such testing and devices.

Advice of Penalties and Sanctions

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or Intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

DEFENDANTS:

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

MATERIAL WITNESSES:

If after release, you knowingly fail to appear as required by the conditions of release, you may be prosecuted for failing to appear and may be fined not more than \$100,000 and imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgement of Defendant/Material Witness

I acknowledge that I am the defendant/material witness in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

AGREED, IF APPLICABLE

Assistant U.S. Attorney

Attorney for Defendant/Material Witness


Signature of Defendant/Material Witness

Address

City and State

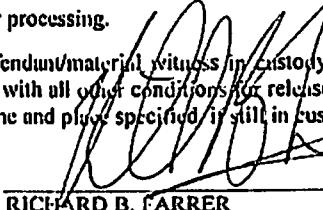
Telephone

Social Security Number

Date of Birth

Directions to United States Marshal

- The defendant/material witness is ORDERED released after processing.
- The United States Marshal is ORDERED to keep the defendant/material witness in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant/material witness shall be produced before the appropriate judicial officer at the time and place specified if still in custody.


RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

1/27/2021

Date

- (8) IT IS FURTHER ORDERED that the defendant/material witness shall be responsible for any costs of participation in court-ordered programs based on his/her ability to pay as determined by Pretrial Services, and make timely payment if required by any "Order Directing Payment of Attorney's Fees."
- (9) IT IS FURTHER ORDERED that if the Court has ordered herein any testing, such as substance testing, or monitoring, such as electronic monitoring, the defendant/material witness shall refrain from obstructing or attempting to obstruct or tamper in any fashion with the efficiency and accuracy of such testing and devices.

Advice of Penalties and Sanctions

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

DEFENDANTS:

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

MATERIAL WITNESSES:

If after release, you knowingly fail to appear as required by the conditions of release, you may be prosecuted for failing to appear and may be fined not more than \$100,000 and imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgement of Defendant/Material Witness

I acknowledge that I am the defendant/material witness in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

AGREED, IF APPLICABLE

Assistant U.S. Attorney

Attorney for Defendant Material Witness

Signature of Defendant Material Witness

Address

City and State

Telephone

Social Security Number

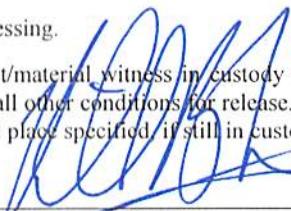
Date of Birth

Directions to United States Marshal

- The defendant/material witness is ORDERED released after processing.
- The United States Marshal is ORDERED to keep the defendant/material witness in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant/material witness shall be produced before the appropriate judicial officer at the time and place specified if still in custody.

1/27/2021

Date


RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA

vs.

(2) JAMES HERMAN UPTMORE

Defendant

§
§
§
§

Case Number: SA:21-M-00092(2)

APPEARANCE BOND

Defendant's Agreement

I (2) JAMES HERMAN UPTMORE (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- to appear for court proceedings;
 if convicted, to surrender to serve a sentence that the court may impose; or;
 to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- (1) This is a personal recognizance bond.
- (2) This is an unsecured bond of \$ 15,000.
- (3) This is a secured bond of \$ _____, secured by:
 (a) \$ _____, in case deposited with the court.
 (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it - such as a lien, mortgage, or loan - and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- (c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 01/27/2021



Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Date: 01/27/2021

CLERK OF COURT

Signature of Clerk or Deputy Clerk

Approved.

Date: 01/27/2021

Judge's signature

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 01/27/2021

Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Date: 01/27/2021

CLERK OF COURT

Signature of Clerk or Deputy Clerk

Approved.

Date: 01/27/2021

Judge's signature

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA §
§
§
V. § CAUSE NO. SA-21-0092-M
§
§
CHANCE ANTHONY UPTMORE §

NOTICE OF ATTORNEY APPEARANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES David Joseph Kimmelman, Assistant Federal Public Defender and enters his appearance as counsel for the defendant in the above-styled and numbered cause.

Respectfully submitted,

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ DAVID JOSEPH KIMMELMAN
Assistant Federal Public Defender
727 E. César E. Chávez Blvd., Suite B-207
San Antonio, Texas 78206-1205
State Bar No. 11427300
Tel.: 210-472-6700
Fax: 210-472-4454

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of January, 2021, I filed the foregoing Notice of Appearance using the CM/ECF system which will give electronic notification to the following:

United States Attorney
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

/s/ DAVID JOSEPH KIMMELMAN
Assistant Federal Public Defender

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA §
§
§
V. § CAUSE NO. SA-21-0092-M
§
JAMES HERMAN UPTMORE §

NOTICE OF ATTORNEY APPEARANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES David Joseph Kimmelman, Assistant Federal Public Defender and enters his appearance as counsel for the defendant in the above-styled and numbered cause.

Respectfully submitted,

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ DAVID JOSEPH KIMMELMAN
Assistant Federal Public Defender
727 E. César E. Chávez Blvd., Suite B-207
San Antonio, Texas 78206-1205
State Bar No. 11427300
Tel.: 210-472-6700
Fax: 210-472-4454

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of January, 2021, I filed the foregoing Notice of Appearance using the CM/ECF system which will give electronic notification to the following:

United States Attorney
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

/s/ DAVID JOSEPH KIMMELMAN
Assistant Federal Public Defender

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA §
§
§
V. § CAUSE NO. SA-21-MJ-0092
§
§
CHANCE ANTHONY UPTMORE §

MOTION TO WITHDRAW AND FOR APPOINTMENT OF NEW COUNSEL

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE RICHARD B. FARRER
FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO, DIVISION:

COMES NOW the Federal Public Defender Organization for the Western District of Texas,
by and through Assistant Federal Public Defenders David J. Kimmelman and respectfully move
this Honorable Court for an Order permitting the Federal Public Defender for this district to
withdraw as counsel of record for Defendant CHANCE ANTHONY UPTMORE , and for
appointment of new counsel and would respectfully show as follows:

On February 1, 2021, the office of the Federal Public Defender became aware of a conflict
of interest between Mr. Uptmore and another client of the office necessitating that this Office
withdraw from further representation of Mr. Uptmore in this case. As Mr. Uptmore previously
qualified for appointed counsel the undersigned request that this Court enter an Order allowing
them and the Office of the Federal Public Defender to withdraw from this case and that new
counsel not with the Federal Public Defender be appointed for Mr. Uptmore.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays for the above-requested
relief and that this Motion to Withdraw and For Appointment of Counsel be granted.

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ David J. Kimmelman
Assistant Federal Public Defender
Western District of Texas
727 East César E. Chávez Blvd., B-207
San Antonio, Texas 78206-1205
(210) 472-6700
(210) 472-4454 (Fax)
State Bar Number: 11427300

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2021, I electronically filed the foregoing Defendant's Motion to Withdraw and For Appointment of New Counsel with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Assistant United States Attorney
601 N. W. Loop 410, Suite 600
San Antonio, Texas 78216

/s/ DAVID J. KIMMELMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA §
§
§
§
§
§
§
§
§
§
V. CAUSE NO. SA-21-MJ-0092
CHANCE ANTHONY UPTMORE

ORDER

On this date came on to be considered the Defendant's Motion to Withdraw and for Appointment of New Counsel, and the Court having considered the premises, is of the opinion that the same should be and is hereby GRANTED.

It is therefore ORDERED that David J. Kimmelman and the Office of the Federal Public Defender for the Western District of Texas are hereby WITHDRAWN as Attorneys of Record and that new counsel be appointed to represent Defendant Chance Anthony Uptmore.

SO ORDERED on this the _____ day of, February 2021.

RICHARD B. FARRER
United States Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA §
§
§
V. § CAUSE NO. SA-21-MJ-0092 (2)
§
JAMES HERMAN UPTMORE §

MOTION TO WITHDRAW AND FOR APPOINTMENT OF NEW COUNSEL

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE RICHARD B. FARRER
FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO, DIVISION:

COMES NOW the Federal Public Defender Organization for the Western District of Texas,
by and through Assistant Federal Public Defenders David J. Kimmelman and respectfully move
this Honorable Court for an Order permitting the Federal Public Defender for this district to
withdraw as counsel of record for Defendant JAMES HERMAN UPTMORE , and for
appointment of new counsel and would respectfully show as follows:

On February 1, 2021, the office of the Federal Public Defender became aware of a conflict
of interest between Mr. Uptmore and another client of the office necessitating that this Office
withdraw from further representation of Mr. Uptmore in this case. As Mr. Uptmore previously
qualified for appointed counsel the undersigned request that this Court enter an Order allowing
them and the Office of the Federal Public Defender to withdraw from this case and that new
counsel not with the Federal Public Defender be appointed for Mr. Uptmore.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays for the above-requested
relief and that this Motion to Withdraw and For Appointment of Counsel be granted.

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ David J. Kimmelman
Assistant Federal Public Defender
Western District of Texas
727 East César E. Chávez Blvd., B-207
San Antonio, Texas 78206-1205
(210) 472-6700
(210) 472-4454 (Fax)
State Bar Number: 11427300

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2021, I electronically filed the foregoing Defendant's Motion to Withdraw and For Appointment of New Counsel with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Assistant United States Attorney
601 N. W. Loop 410, Suite 600
San Antonio, Texas 78216

/s/ DAVID J. KIMMELMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

8

8

3
8

3

8

§

V.

CAUSE NO. SA-21-MJ-0092 (2)

JAMES HERMAN UPTMORE

ORDER

On this date came on to be considered the Defendant's Motion to Withdraw and for Appointment of New Counsel, and the Court having considered the premises, is of the opinion that the same should be and is hereby GRANTED.

It is therefore ORDERED that David J. Kimmelman and the Office of the Federal Public Defender for the Western District of Texas are hereby WITHDRAWN as Attorneys of Record and that new counsel be appointed to represent Defendant James Herman Uptmore.

SO ORDERED on this the _____ day of, February 2021.

RICHARD B. FARRER
United States Magistrate Judge

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
CW
DEPUTY CLERK

UNITED STATES OF AMERICA
V.
CHANCE ANTHONY UPTMORE

CAUSE NO. SA-21-MJ-0092

ORDER

On this date came on to be considered the Defendant's Motion to Withdraw and for Appointment of New Counsel, and the Court having considered the premises, is of the opinion that the same should be and is hereby GRANTED.

It is therefore ORDERED that David J. Kimmelman and the Office of the Federal Public Defender for the Western District of Texas are hereby WITHDRAWN as Attorneys of Record and that new counsel be appointed to represent ¹ Defendant Chance Anthony Uptmore.

SO ORDERED on this the 2nd day of February, 2021.

~~RICHARD B. FARRER~~
United States Magistrate Judge

MIME-Version:1.0
From:TXW_USDC_Note@txwd.uscourts.gov
To:cmeccf_notices@txwd.uscourts.gov
Bcc:
--Case Participants: Matthew W. Kinskey (karen.ramirez@usdoj.gov, matthew.kinskey@usdoj.gov, usatxw.ecfsacriminal@usdoj.gov), David Joseph Kimmelman - FPD (anna_borjon@fd.org, david_kimmelman@fd.org, txwsa_ecf@fd.org), Duty Pub. Defender-San Antonio (txwsa_ecf@fd.org), Judge Richard B. Farrer (lizza_ramirez@txwd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-ID:24465324@txwd.uscourts.gov
Subject:Activity in Case 5:21-mj-00092-RBF USA v. Uptmore Terminate Attorney
Content-Type: text/html

U.S. District Court [LIVE]

Western District of Texas

Notice of Electronic Filing

The following transaction was entered on 2/3/2021 at 8:30 AM CST and filed on 2/2/2021

Case Name: USA v. Uptmore

Case Number: 5:21-mj-00092-RBF

Filer:

Document Number: No document attached

Docket Text:

Attorney David Joseph Kimmelman – FPD terminated as to Chance Anthony Uptmore. (cd)

5:21-mj-00092-RBF-1 Notice has been electronically mailed to:

David Joseph Kimmelman – FPD david_kimmelman@fd.org, anna_borjon@fd.org, TXWSA_ECF@fd.org

Matthew W. Kinskey matthew.kinskey@usdoj.gov, karen.ramirez@usdoj.gov, usatxw.ecfsacriminal@usdoj.gov

5:21-mj-00092-RBF-1 Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

FEB 02 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA §
 §
 §
V. §
 §
JAMES HERMAN UPTMORE §

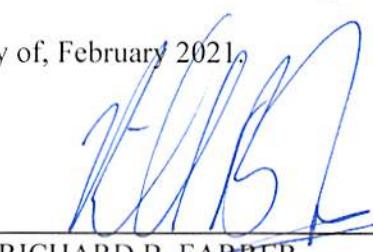
CAUSE NO. SA-21-MJ-0092 (2)

O R D E R

On this date came on to be considered the Defendant's Motion to Withdraw and for Appointment of New Counsel, and the Court having considered the premises, is of the opinion that the same should be and is hereby GRANTED.

It is therefore ORDERED that David J. Kimmelman and the Office of the Federal Public Defender for the Western District of Texas are hereby WITHDRAWN as Attorneys of Record and that new counsel be appointed to represent Defendant James Herman Uptmore.

SO ORDERED on this 2nd day of February 2021,


RICHARD B. FARRER
United States Magistrate Judge

MIME-Version:1.0
From:TXW_USDC_Note@txwd.uscourts.gov
To:cmeccf_notices@txwd.uscourts.gov
Bcc:
--Case Participants: Matthew W. Kinskey (karen.ramirez@usdoj.gov, matthew.kinskey@usdoj.gov, usatxw.ecfsacriminal@usdoj.gov), Judge Richard B. Farrer (lizza_ramirez@txwd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-ID:24465332@txwd.uscourts.gov
Subject:Activity in Case 5:21-mj-00092-RBF USA v. Uptmore Terminate Attorney
Content-Type:text/html

U.S. District Court [LIVE]

Western District of Texas

Notice of Electronic Filing

The following transaction was entered on 2/3/2021 at 8:31 AM CST and filed on 2/2/2021

Case Name: USA v. Uptmore

Case Number: 5:21-mj-00092-RBF

Filer:

Document Number: No document attached

Docket Text:

Attorney David Joseph Kimmelman – FPD terminated as to James Herman Uptmore. (cd)

5:21-mj-00092-RBF-2 Notice has been electronically mailed to:

David Joseph Kimmelman – FPD (Terminated) david_kimmelman@fd.org, anna_borjon@fd.org, TXWSA_ECF@fd.org

Matthew W. Kinskey matthew.kinskey@usdoj.gov, karen.ramirez@usdoj.gov, usatxw.ecfsacriminal@usdoj.gov

5:21-mj-00092-RBF-2 Notice has been delivered by other means to:

FILED

FEB 02 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

vs

CHANCE ANTHONY UPTMORE,

Defendant

Case Number: 5:21-MJ-00092-1-RF

§
§
§
§
§
§
§
§

ORDER APPOINTING COUNSEL

The above named Defendant has testified under oath, or has otherwise satisfied this court, that he/she is financially unable to obtain counsel and does not wish to waive representation by counsel.

Therefore, in the interest of justice, Amanda Inez Hernandez , is hereby appointed to represent the defendant in the above-styled and numbered cause.

This appointment shall remain in effect until further order of this court.
It is so **ORDERED** this 2nd day of February, 2021.



Richard Farrer
U.S. Magistrate Judge

FILED

FEB 02 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

vs

JAMES HERMAN UPTMORE,

Defendant

Case Number: 5:21-MJ-00092-2-RF

§
§
§
§
§
§
§
§

ORDER APPOINTING COUNSEL

The above named Defendant has testified under oath, or has otherwise satisfied this court, that he/she is financially unable to obtain counsel and does not wish to waive representation by counsel.

Therefore, in the interest of justice, Kimbel Lee Brown , is hereby appointed to represent the defendant in the above-styled and numbered cause.

This appointment shall remain in effect until further order of this court.
It is so ORDERED this 2nd day of February, 2021.



Richard Farrer
U.S. Magistrate Judge

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FEB 02 2021
CLERK, U.S. DISTRICT COURT
BY _____
WESTERN DISTRICT OF TEXAS
Clerk
DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff

vs.

(1) CHANCE ANTHONY UPTMORE
(2) JAMES HERMAN UPTMORE

Defendant

§
§
§
§
§
§

No.: SA:21-M-00092(1,2)

ORDER RESETTING IDENTITY/PRELIMINARY HEARING

IT IS HEREBY ORDERED that the above entitled and numbered case is set for 11:30 AM, in Courtroom A, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez Boulevard, San Antonio, TX on Friday, February 05, 2021.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to the defendant, counsel for defendant, the United States Attorney, U.S. Pretrial Services, and United States Probation Office. Further, counsel for the defendant shall notify the defendant of this setting. If the defendant is on bond, he/she shall be present.

IT IS SO ORDERED this 2nd day of February, 2021.


RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

*

*

Plaintiff,

*

*

V

* No.: SA:21-M-00092(2)

*

*

JAMES HERMAN UPTMORE,

*

*

Defendant.

*

*

DEFENDANT'S MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS:

Now comes the Defendant, James Herman Uptmore, by and through his undersigned attorney, files this Motion to Continue, and would show this Honorable Court as follows:

I.

This case is set for an Identity/Preliminary Hearing on February 5, 2021 at 11:30 a.m. Counsel for Defendant request additional time because counsel has a preset medical appointment scheduled for the same day, February 5, 2021 at 12:00 p.m. in New Braunfels, Texas to receive the vaccine for Covid-19. Counsel qualifies for the Covid-19 vaccine due to pre-existing medical conditions. The undersigned respectfully request a 60 (sixty) day continuance.

II.

Counsel for the Government, Assistant United States Attorney, Matthew W. Kinskey has indicated that he does not oppose to a continuance.

III.

Defendant acknowledges that any continuance granted in this cause is excludable under

the Speedy Trial Act as delay resulting from a continuance granted at the request of defense counsel because the ends of justice served by the continuance outweigh the interest of the public in a Speedy Trial, 18 U.S.C. § 3161(h)(7)(A).

WHEREFORE, PREMISES CONSIDERED based on the above, Defendant prays that the Court allows for this case to be reset for 60 (sixty) days.

Respectfully submitted,

By: /s/ Kimbel L. Brown

KIMBEL L. BROWN
Attorney-at-Law
State Bar No. 03149950
123 N Seguin Ave, Suite 218
New Braunfels, Texas 78130
Tel: (830) 625-3455
Fax: (830) 625-5777
klblawfirm@sbcglobal.net
Attorney for James Herman Uptmore

Certificate of Service

I hereby certify that a true copy of the above was served on each attorney of record electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Matthew W. Kinskey
Assistant United States Attorney
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216

/s/ Kimbel L. Brown

KIMBEL L. BROWN
Attorney for James Herman Uptmore

UNITED STATES DISTRICT COURT

**WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,

*

*

Plaintiff,

*

*

V

No.: SA:21-M-00092(2)

*

JAMES HERMAN UPTMORE,

*

*

Defendant.

*

ORDER ON DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE

On this date came to be considered the Defendant's Unopposed Motion for Continuance, and the Court having considered the premises, is of the opinion that the same should be and is hereby GRANTED.

It is ORDERED that all corresponding deadlines be continued in the above-styled and numbered cause for a period of sixty (60) days.

It is further ORDERED that a new schedule be set by separate order.

The Court finds that, for the reasons set out in the Defendant's motion, the ends of justice served by the continuance granted by this order outweigh the interest of the public in a speedy trial. See U.S.C. § 3161 (h)(7)(A).

SO ORDERED on this the _____ day of February, 2021.

United States Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

(1) CHANCE ANTHONY UPTMORE

Defendant

§

§

§ No.: SA:21-M-00092(1)

§

§ REF: 1:21MJ156

§

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Excluding Probation Cases)**

I, (1) CHANCE ANTHONY UPTMORE understand that in the
Washington, D.C. charges are pending
alleging violation of _____

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

Identity Hearing.

Preliminary Hearing.

Detention Hearing

Identity Hearing and I have been informed I have no right to a preliminary examination.

Identity Hearing but request a preliminary and/or detention hearing be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

2/4/21
Date

(1) CHANCE ANTHONY UPTMORE,
Defendant

Amanda J. Hernandez
Counsel for Defendant

WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**FILED**

FEB 04 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA,

*
*
*
*

Plaintiff,

No.: SA:21-M-00092(2)

V

*
*
*
*

JAMES HERMAN UPTMORE,

Defendant.

ORDER ON DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE

On this date came to be considered the Defendant's Unopposed Motion for Continuance, and the Court having considered the premises, is of the opinion that the same

MP
should be and is hereby GRANTED. *in PART, for good cause shown. A more modest continuance of 5 days is warranted.*

It is ORDERED that all corresponding deadlines be continued in the above-styled case and numbered cause for a period of sixty (60) days.

MP
It is further ORDERED that a new schedule be set by separate order.

The Court finds that, for the reasons set out in the Defendant's motion, the ends of justice served by the continuance granted by this order outweigh the interest of the public in a speedy trial. See U.S.C. § 3161 (h)(7)(A).

SO ORDERED on this the 4th day of February, 2021.


United States Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

(2) JAMES HERMAN UPTMORE

Defendant

§
§
§
§
§
§
§
§

No.: SA:21-M -00092(2)

REF: 1:21MJ156

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Excluding Probation Cases)**

I, (2) JAMES HERMAN UPTMORE understand that in the charges are pending
Washington, D.C. alleging violation of _____

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

Identity Hearing.

Preliminary Hearing.

Detention Hearing

Identity Hearing and I have been informed I have no right to a preliminary examination.

Identity Hearing but request a preliminary and/or detention hearing be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

2/1/21
Date

(2) JAMES HERMAN UPTMORE, Defendant
Kimbel L. Brown

Counsel for Defendant

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA §
Plaintiff §
§
vs. § No.: SA:21-M -00092(2)
§
(2) JAMES HERMAN UPTMORE §
Defendant

ORDER RESETTING IDENTITY/PRELIMINARY HEARING

IT IS HEREBY ORDERED that the above entitled and numbered case is set for **10:00 AM, in Courtroom A, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez Boulevard, San Antonio, TX on Friday, February 12, 2021.**

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to the defendant, counsel for defendant, the United States Attorney, U.S. Pretrial Services, and United States Probation Office. Further, counsel for the defendant shall notify the defendant of this setting. If the defendant is on bond, he/she shall be present.

IT IS SO ORDERED this 4th day of February, 2021.



RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America §
§ CRIMINAL NO:
vs. § SA:21-M -00092(2)
§
(2) James Herman Uptmore §

ORDER CANCELLING PRELIMINARY HEARING

IT IS HEREBY ORDERED that the above entitled and numbered case having been set for **PRELIMINARY HEARING on Friday, February 12, 2021 at 10:00 AM** is hereby **CANCELLED in light of waiver filed by counsel for defendant.**

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to counsel for defendant, the United States Attorney, United States Pretrial Services and the United States Probation Office. Counsel for the defendant shall notify the defendant of this setting and, if the defendant is on bond, advise the defendant to be present at this proceeding.

IT IS SO ORDERED this 10th day of February, 2021.


ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE